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December 7, 2017

BY HAND

MEMO ENDORSED

The Honorable Lewis A. Kaplan
United States District Judge
United States District Court
for the Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Chevron Corp. v. Donziger, No. 11 Civ. 691 (LAK)

Dear Judge Kaplan:

I write on behalf of Judge Katz (who recently moved to Evanston, Illinois, to be near family, but still is active with JAMS), Mr. Ormand (who in 2014 moved from Cleary Gottlieb to the New York office of Allen & Overy), and myself with respect to Your Honor's Order of November 9, 2017 (ECF No. 1939).¹ That Order requests us to provide the Court by December 9 with a report recommending an allocation as between Chevron and Defendants of our previous billings, in the event the Court decides not to allocate all the costs to Defendants. We are busily finalizing that report and we will file it with Your Honor tomorrow.

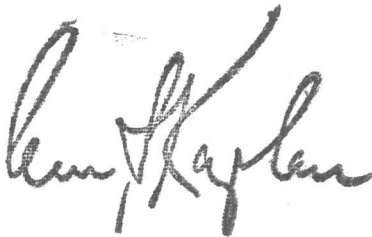
¹ Mr. Ormand graciously assented to our request for his assistance in preparing our report, given his encyclopedic knowledge, and remarkable memory, of the depositions and other relevant events that occurred well over four years ago. In addition, we have made use of limited associate time at Cleary Gottlieb for legal research, as well as the expertise of the Cleary Gottlieb litigation IT person to assist us in accessing and organizing electronic files for the period March 26-June 30, 2013.

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Paragraph 3(b) of the November 9 Order asks us to send to you our billing for preparation of the report, simultaneously with the report. We write to request an adjournment of the due date for the submission of bills until a date (after January 1) when the relevant law firms and JAMS will have produced, and provided to us, their December 2017 month-end computerized reports for time charges, disbursements, and billing. It would be extremely difficult (if not near-impossible) to have by tomorrow and to collate and review for accuracy all the raw data with which to prepare our bills for the report that will be filed tomorrow. Furthermore, one or more of the parties might file objections to our report (which objections would be due by December 23, under your November 9 Order), and Your Honor may wish to ask us for (or we might wish to ask for permission to file) replies to any such objections – which would result in further billing. Finally, as Judge Katz and I have discussed, before final invoices are sent relating to the preparation of our report, we need to review the totality of the potential bills before submitting final billing, which should be appropriately proportionate to the limited nature of the current allocation assignment; that review also cannot possibly be done by tomorrow.

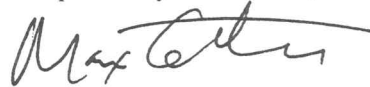
Given the upcoming holidays, we respectfully request that the due date for submitting to the Court the billing for the report/allocation-recommendation be adjourned to January 12, 2018. We do not seek any adjournment of the due date for filing the report itself.

Granted.

A handwritten signature in black ink, appearing to read "Lewis A. Kaplan".

December 8, 2017

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Max Gitter".

Max Gitter